

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - ReturnSTATE OF MICHIGAN
JUDICIAL DISTRICT
16TH JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

CASE NO.

12-2070-ND

Court address

40 N. Main Street, Mt. Clemens, MI 48043-5656

Court telephone no.

(586) 469-5351

Plaintiff's name(s), address(es), and telephone no(s).
RIOLA BILLOPS

v

Defendant's name(s), address(es), and telephone no(s).

TARGET CORPORATION
30600 Telegraph Road, Suite 2345
Bingham Farms, MI 48025

Plaintiff's attorney, bar no., address, and telephone no.

Leland T. Schmidt (P28117)
Leland T. Schmidt & Assoc., P.C.
25487 Woodward Avenue
Royal Oak, Michigan 48067
Telephone: 248-547-3511

JAMES M. BIERNAT, JR.

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued

JUL - 2 2012

This summons expires
OCT - 1 2012

Court clerk

Carmelle Fickel

*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.

Judge

Bar no.

General Civil Cases

- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.

Judge

Bar no.

VENUE

Plaintiff(s) residence (include city, township, or village)

Defendant(s) residence (include city, township, or village)

Place where action arose or business conducted

Date

7/2/12

Signature of attorney/plaintiff

[Signature]

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (3/08) SUMMONS AND COMPLAINT MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.206(A)

7/24/2012 12:00:00 AM

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6020120724005654

PROOF OF SERVICE

SUMMONS AND COMPLAINT

Case No. 2 - 2970 - NO

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ OFFICER CERTIFICATE

OR

☐ AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,
together with _____

List all documents served with the Summons and Complaint

JAMES M. BERNAT, JR.
_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
Target Corporation/The Corporation Co, RA	30600 Telegraph Road, Suite 2345, Bingham Farms, MI 48025	

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
Attachments

_____ on _____
Day, date, time
Signature _____ on behalf of _____

7/24/2012 12:00:00 AM

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

RIOLA BILLOPS

Plaintiff,

v.

TARGET CORPORATION,
a foreign corporation

Defendant.

Case No:10-

Hon:

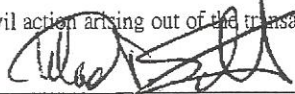
JAMES M. BIERNAT, JR.

RECEIVED

JUL - 2 2012
CARMELLA SABAUGH
MACOMB COUNTY CLERK

LELAND T. SCHMIDT (P28117)
LELAND T. SCHMIDT & ASSOCIATES, P.C.
Attorney for Plaintiff Billops
25487 Woodward Avenue
Royal Oak, Michigan 48067
Telephone 248.547.3511
Facsimile 248.547.3553

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the Complaint pursuant to MCR 2.113(C) (2) (a).


Leland T. Schmidt (P28117)

COMPLAINT

Plaintiff, **RIOLA BILLOPS**, by and through her attorney, **LELAND T. SCHMIDT & ASSOCIATES, P.C.**, and for his Complaint against Defendant, **TARGET CORPORATION**, states unto this Honorable Court as follows:

1. At the time of this occurrence Plaintiff was/is a resident of the City of Southfield, County of Oakland, State of Michigan.
2. Defendant, **TARGET CORPORATION**, (hereinafter identified as "Target") is a Minnesota corporation duly authorized and licensed to do business in the State of Michigan and

having its principal place of business located in the Clinton Township, County of Macomb, State of Michigan and moreover, having a retail store located in the Clinton Township, County of Macomb, State of Michigan.

3. The amount in controversy in this litigation exceeds the sum of Twenty Five Thousand (\$25,000.00) Dollars, exclusive of cost, interest, and attorney fees.

4. At all times herein mentioned and for a long time prior thereto, the Defendant herein, Target, was the owner, possessor and operator of a certain retail store located at 33860 S. Gratiot, Clinton Township, County of Macomb, State of Michigan, and invited the public to patronize the same.

5. On or about the 5th day of July 2009, at or about the hour of 6PM., your Plaintiff, Riola Billops, was a business invitee of said store and was lawfully upon said premises and did enter the aforesaid store through its main entrance, bought merchandise, and was proceeding out of the store at the time of her injury.

6. Then and there it became and was the duty of the Defendant to keep and maintain its premises and in particular, the heavily used exit areas beyond the cash registers and before the exit doors, in a safe manner with ordinary and reasonable care and caution commiserate with the danger of a highly traveled area, so as to prevent injury to your Plaintiff.

7. Disregarding the aforesaid duties, both statutorily and common law, the Defendant Target, by and through its agents, servants and employees negligently and unexpectedly did allow to be located in the exit area of the store, an unsecured and loose carpet, and said carpet became buckled or folded, in a dangerous and unsafe condition, so as to allow your plaintiff, a business invitee, to trip, fall, and severely injury herself.

8. Defendant Target, by and through its agents, servants and employees was then and

there guilty of one or more of the following acts of negligence and/or omissions:

- a. Negligently allowing the exit areas of the store to be unattended, at a time when a very high number of people were being rushed out of the store simultaneously exiting the store, and walking across said non-secured carpet in a unsafe manner so as to create a dangerous trip condition for its customers, business invitee's, so as to create an unreasonable risk of harm;
- b. Failing to exercise reasonable care and caution to inspect the location and secure the carpet and discover the danger presented and make the condition safe to ensure that said exit area was free of a trip hazzard which could not be seen due to the large number of customers/business invitees who were exiting the store at the same time;
- c. Failing to warn plaintiff and others of the hazardous condition or risk involved when the Defendant knew or had reason to know that the person would not anticipate, expect, or know, or discovery the danger;
- d. Failing to make timely and adequate inspection of the premises so as to discover the dangerous condition and make the unsafe condition safe and protect endangered persons lawfully using the aforesaid area including the Plaintiff;
- e. Failing to exercise prudence and foresight to prevent injury to those persons lawfully using said premises and more particularly, your Plaintiff;
- f. Failing to properly assign staff personnel to remove the unsafe condition from the location and/or to have other personnel in and around the area to keep the area in a safe condition;
- g. And otherwise failing to keep, furnish and maintain safe, non-defective premises for those who have been invited onto the premises for business purposes including more particularly, your Plaintiff.

9. As a direct and proximate result of the aforesaid negligent acts and omissions by the Defendant through their agents, servants and/or employees the Plaintiff herein, **RIOLA BILLOPS**, was then and there severely injured when she tripped hit her head and knee, causing significant medical treatment to the Plaintiff and medical expense, together with great bodily pain, disability and mental anguish from the date said injuries were inflicted until the present time, and will continue into the future.

10. As a direct and proximate result of the injuries, the Plaintiff was compelled to and did pay and incur medical expenses, and other costs for the care and alleviation of her sufferings, and said expenses will continue into the future.

11. The Plaintiff has in the past, since July 5, 2009, and will continue into the future, to suffer pain and suffering, debilitation, head injury, loss of mental and emotional functioning, headache, economic loss, medical expense, including lost income capacity and also incurred additional expenses to her household, as a result of the wrongful acts and breaches of duty of the Defendant.

WHEREFORE, Plaintiff **RIOLA BILLOPS**, requests that this Honorable Court award her damages in whatever amount exceeding Twenty Five Thousand (\$25,000.00) Dollars she is found to be entitled together with costs, interest, and attorney fees.

Respectfully submitted,

LELAND T. SCHMIDT & ASSOCIATES, P.C.

BY: 

LELAND T. SCHMIDT (P28117)
Attorney for Plaintiff
25487 Woodward Avenue
Royal Oak, Michigan 48067
248.547.3511

Dated: June 27, 2012

Leland T. Schmidt & Assoc., P. C.
25487 Woodward Avenue
Royal Oak, Michigan 48067

**RETURN RECEIPT
REQUESTED**

CERTIFIED MAIL™



7008 2810 0001 6789 1330



48025

U.S. POSTAGE
PAID
ROYAL OAK, MI
48068
JUL 19, 12
AMOUNT

\$5.95

00069031-13

Corporation Company
Target Corporation/Resident Agent
30600 Telegraph Road, Suite 2345
Bingham Farms, Michigan 48025



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7/24/2012 12:00:00 AM

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